IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 523 of 2006
To
FIRST APPEAL No. 533 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
DILIPSINH RANCHHODSINGH MAKWANA & 1 - Defendant(s)

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Appearance :

MR HS MUNSHAW for Appellant(s) : 1,
MR R.K.MANSURI for Defendant(s) : 1,
None for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 02/09/2006

ORAL JUDGMENT

1. Heard the learned counsel for the appellant. These are appeals under section 173 of the Motor Vehicles Act, 1988, at the instance of the Gujarat State Road Transport Corporation.

2. The appellant challenges herein the order passed by the Tribunal under section 140 of the said Act. Obviously, these awards are in the nature of an interim award which are subject to adjustment against the final award which may be

passed in the main claim petition viz. M.A.C.P. No.20/99, pending before the Motor Accident Claims Tribunal, (Aux), Sabarkantha at Himmatnagar.

3. In the premises aforesaid, I see no reason to interfere at this stage of the matter and interests of justice would be met by passing the following order:

4. The amount deposited by the applicant in each caseshall be deposited in a fixed deposit by the Tribunal initially for a period of one year till the disposal of the petition. The periodical interest accruing on the said amount shall be paid to the original claimant. The original claimant shall, however, file an undertaking before the Tribunal within four weeks of the service of this order on the claimant to the effect that the main claim petition shall not be abandoned, shall not be withdrawn and shall not be permitted to be dismissed for default or for any other cause, and that the claimant shall obtain a decision on merits in the said claim petitions. The amount awarded under the impugned order shall be adjusted against the final award in the main claim

petition.

5. The Tribunal is directed to dispose of the main claim petitions within a period of three years from the date of receipt of the writ of this Court.

6. Subject to the observations and directions hereinabove, the above appeal stands disposed of with no order as to costs.

7. The amount deposited in the appeals, if any, with the Registry is directed to be transmitted to the Tribunal forthwith i.e. not later than ***15th October 2006.***

8. The R & P if any to be re-transmitted to the Tribunal forthwith, i.e. latest by ***15th October 2006.***

(K.S.Jhaveri,J)

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